

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

IN THE MATTER OF THE SEARCH OF:

3:23-mj-84

23-089-03

SEARCH WARRANT

TO: SPECIAL AGENT ANDREW S. LEPKOWSKI JR. AND ANY AUTHORIZED
LAW ENFORCEMENT OFFICER OF THE UNITED STATES

An Application having been made before me by Andrew S. Lepkowski Jr., who has reason to believe that on the person or body of Shylyn Rose Whitney, there is now concealed certain evidence namely: saliva, cheek skin samples, and DNA, which is property which constitutes evidence of the commission of a criminal offense, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, namely, evidence of the crime of possession of a short-barreled shotgun, in violation of 18 U.S.C. § 922(a)(4).

I find that the application and affidavit of Andrew S. Lepkowski Jr., hereinafter incorporated by this reference, establish probable cause to search and seize the property.

cc: AUSA & Agent-sae

YOU ARE COMMANDED to execute this warrant on or before

July 11, 2023

(not to exceed 14 days)

☒ in the daytime – 6:00 a.m. to 10:00 p.m.

☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Mark A. Moreno, United States Magistrate Judge, or his designee.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized, ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of

July 7, 2023 @ 8:20 a.m.
Central Time

Date and Time Issue

at Pierre, South Dakota

Charles A. Moreno

MARK A. MORENO
United States Magistrate Judge

RETURN		
Case no.: <i>3:23-mj-84</i>	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of:		
Inventory of the property taken and name of any person(s) seized:		
CERTIFICATION		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated clerk of courts.</p> <p>_____ Andrew S. Lepkowski Jr. Special Agent Bureau of Indian Affairs</p>		

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
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IN THE MATTER OF THE SEARCH OF:

3:23-mj-84

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**APPLICATION FOR
SEARCH WARRANT**

I, Andrew S. Lepkowski Jr., being duly sworn depose and say:

I am a Special Agent with the Bureau of Indian Affairs (BIA) in Lower Brule, South Dakota, and have reason to believe that the person or body of Shylyn Rose Whitney, there is now concealed certain property, namely: saliva, cheek skin samples, and DNA, which I believe is property constituting evidence of the commission of a criminal offense, contraband, the fruits of crime, or things otherwise criminally possessed, or property designed or intended for use or which is or has been used as the means of committing a criminal offense, namely, evidence of the crime of possession of a short-barreled shotgun, in violation 18 U.S.C. § 922(a)(4).

The facts to support a finding of Probable Cause are contained in my Affidavit filed herewith and attached hereto and incorporated by this reference.

Dated this 7th day of July 2023.



Andrew S. Lepkowski Jr.
Special Agent
Bureau of Indian Affairs

Sworn to before me and subscribed in my presence on the 7th day of July 2023, at Pierre, South Dakota.



MARK A. MORENO
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

IN THE MATTER OF THE SEARCH OF:

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**AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT
APPLICATION**

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES)

I, Andrew S. Lepkowski Jr., being first duly sworn upon oath, depose and state as follows:

1. I am employed as a Criminal Investigator (Special Agent) (SA) of the United States Department of Interior, Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) since August 2021. I previously worked for the BIA OJS as a Supervisory Police Officer (Lieutenant of Police) from September 2015 to August 2021 and as a BIA OJS as a Police Officer from April 2009 to September 2015. I have also been employed with the BIA OJS as a Telecommunications Radio Equipment Operator (Dispatcher) from November 2007 to April 2009. I graduated from the Basic Police Officer Training Program with the Indian Police Academy, 16-week training, located at the Law Enforcement Training Center in Artesia, New Mexico, and the Department of Interior Criminal Investigator Training Program, 6-week training, located at the Federal Law Enforcement Training Center in Glynco, Georgia. Throughout my 16 years of law enforcement experience, I have attended numerous trainings related to, but not limited to,

the investigation of aggravated sexual abuse, sexual abuse, and sexual contact of persons, murders, aggravated assaults, possession of controlled substances, possession of weapons by unauthorized persons and other types of crimes. Currently, I am charged with investigating criminal violations on Federal and Indian lands on the Lower Brule and Crow Creek Sioux Indian Reservations in accordance with 25 U.S.C. § 2803.

2. This Affidavit is made in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person or body of Shylyn Rose Whitney, to include saliva, cheek skin samples, and DNA.

3. As set forth below, there is probable cause to believe that on the body of Shylyn Rose Whitney, there exist fruits, instrumentalities, and evidence of the offense of activities relating to the possession of a short-barreled shotgun, in violation of 18 U.S.C. § 922(a)(4), including saliva, cheek skin samples, and DNA.

4. This Affidavit is based on knowledge and information I received from Police Officer Lawrence Flute, interviews with witnesses, and other investigation that has taken place. I have spoken to other law enforcement officials, and other interested individuals about this investigation, and have read reports concerning the progress of the investigation. The statements contained in this Affidavit are based on information that has been provided to me directly or indirectly by witnesses and other law enforcement officers. The information and conclusions expressed are also based upon my own experience and training as a law

enforcement officer, and my personal involvement and knowledge gained during this investigation.

5. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

6. On July 5, 2023, BIA Officer Lawrence Flute conducted a traffic stop on a green Toyota Corolla in Lower Brule, South Dakota. The vehicle was being operated by Garrett White Light and the front seat passenger was Shylyn Whitney. Inside the vehicle, Officer Flute observed a J.K. Higgins Model 20, 12-gauge shotgun with the barrel and stock cut. The shotgun has a barrel length of 16 1/2 inches in length.

7. On July 5, 2023, FBI SA Hitchcock and I conducted an interview with Garrett White Light. White Light stated he gave a ride to Whitney, and she had the shotgun with her when she got into his vehicle. White Light denied the shotgun belonged to him.


8. Based upon my training and experience, I am aware that evidence in the form of Deoxyribonucleic Acid (DNA) is contained in the head hair, skin, blood, and saliva in human bodies. These head hairs, saliva, blood, and other substances can be tested for DNA. Hair samples or DNA samples recovered from the body can be tested against known samples of a particular donor.

CONCLUSION

9. Based upon my training and experience and the information contained in this Affidavit, I have reason to believe that, on the person or body of Shylyn Rose Whitney, to include saliva, cheek skin samples, and DNA, will contain necessary DNA specimens which then can be compared to any DNA found on the J.K. Higgins Model 20, 12-gauge shotgun recovered in the traffic stop. The items sought to be collected from the body of Shylyn Rose Whitney, will be considered items of evidence of the crime of possession of a short-barreled shotgun, in violation of in violation 18 U.S.C. § 922(a)(4).

10. I, therefore, respectfully request a search warrant be issued to search the person or body of Shylyn Rose Whitney, and the seizure and search of the items to include saliva, cheek skin samples, and DNA.

Dated this 7th day of July 2023.



Andrew S. Lepkowski Jr.
Special Agent
Bureau of Indian Affairs

Sworn to before me and subscribed in my presence, on this 7th day of July, 2023, at Pierre, South Dakota.



MARK A. MORENO
United States Magistrate Judge